

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent No.: 7214364

Issued: 8 May 2007

Serial No.: 10/613639

Examiner: J. Alstrum-Acevedo

Filing Date: 3 Jul 2003

Art Unit: 1616

For: INHALABLE AZTREONAM LYSINATE FORMULATION FOR TREATMENT AND PREVENTION  
OF PULMONARY BACTERIAL INFECTIONS

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.324**

Patentee hereby petitions to add the following named inventors to the instant application.

1. Manfred Keller
2. Frank-Christophe Lintz

Patentee respectfully submits that the error in omitting the foregoing inventors occurred without deceptive intent on the part of the actual inventors. Applicants further respectfully submit that the instant petition to correct inventorship is diligently made upon discovery of facts supporting the addition of the named persons as inventors of subject matter within the scope of the claims granted in the patent.

This petition is accompanied by:

☒ §1.324(b)(1): A statement from each person being added as an inventor that the inventorship error occurred without any deceptive intention on his part.

A copy of the originally signed Declaration and Power of Attorney for application Serial No.: 10/613,639 filed July 3, 2003 (issued as Patent No. 7,214,364), executed by all inventors on September 14, 2004.

☒ §1.324(b)(2): A statement from the current named inventor (Alan Bruce Montgomery) who is not submitting a statement under 37 CFR §1.324(b)(1), either agreeing to the change of inventorship or stating that he has no disagreement in regard to the requested change;

☒ §1.324(b)(3): A statement from the assignee, Gilead Sciences, Inc., of the parties submitting statements under 1.324(b)(1) and (b)(2) agreeing to the change of inventorship in the patent, and a statement in compliance with the requirements of 37 CFR 3.73(b);

☒ The fee set forth in 37 CFR §1.20(b),

The Commissioner is hereby authorized to charge Peters Verny, LLP Deposit Account 16-1331 for the fee associated with this petition and any additional fees required in connection with the instant petition.

Date: 09/16/2009

  
\_\_\_\_\_  
Hana Verny  
Attorney for Applicants  
Registration No. 30,518

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No.: 7214364  
Issued: 8 May 2007  
Serial No.: 10/613639 Examiner: J. Alstrum-Acevedo  
Filing Date: 3 Jul 2003 Art Unit: 1616

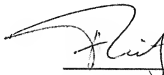
For: INHALABLE AZTREONAM LYSINATE FORMULATION FOR TREATMENT AND PREVENTION  
OF PULMONARY BACTERIAL INFECTIONS

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

STATEMENT OF NO DECEPTIVE INTENT BY PERSON BEING ADDED BY PETITION  
TO CHANGE INVENTORSHIP IN PATENT BY PURSUANT TO 37 C.F.R. 1.324(b)(1)

I, Frank-Christophe Lintz, a person who is being added as an inventor by the petition  
being submitted to correct the inventorship of this patent do hereby declare that the  
inventorship error in failing to include my name as an inventor of U.S. Patent No. 7214364  
occurred without any deceptive intention on my part.

Frank-Christophe Lintz

  
Signature

08/24/09

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No.: 7214364

Issued: 8 May 2007

Serial No.: 10/613639

Examiner: J. Alstrum-Acevedo

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Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

STATEMENT OF NO DECEPTIVE INTENT BY PERSON BEING ADDED BY PETITION  
TO CHANGE INVENTORSHIP IN PATENT BY PURSUANT TO 37 C.F.R. 1.324(b)(1)

I, Manfred Keller, a person who is being added as an inventor by the petition being submitted to correct the inventorship of this patent do hereby declare that the inventorship error in failing to include my name as an inventor of U.S. Patent No. 7214364 occurred without any deceptive intention on my part.

Manfred Keller

  
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No.: 7214364

Issued: 8 May 2007

Serial No.: 10/613639

Examiner: J. Alstrum-Acevedo

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For: INHALABLE AZTREONAM LYSINATE FORMULATION FOR TREATMENT AND PREVENTION  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**STATEMENT AGREEING TO CHANGE OF INVENTORSHIP IN PATENT BY  
CORRECTLY NAMED INVENTORS PURSUANT TO 37 C.F.R. 1.324(b)(2)**

I, Alan Bruce Montgomery, an inventor signing below and who is correctly named in the  
above identified patent, make the following statement in support of the petition to correct  
the inventorship of this patent.

☐ I agree to the change of inventorship of Patent No. 7214364

☒ I have no disagreement in regard to the requested change of inventorship of Patent  
No. 7214364.

Alan Bruce Montgomery

AK B Montgomery  
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No.: 7214364

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Examiner: J. Alstrum-Acevedo

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For: INHALABLE AZTREONAM LYSINATE FORMULATION FOR TREATMENT AND PREVENTION  
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P.O. Box 1450  
Alexandria VA 22313-1450

CONSENT OF ASSIGNEE TO CHANGE OF INVENTORSHIP IN PATENT  
PURSUANT TO 37 C.F.R. 1.324(b)(3)

Gilead Sciences, Inc., owner by assignment of the above-referenced patent,  
hereby consents to the change of inventorship to add Manfred Keller and Frank-  
Christophe Lintz as co-inventors of US Patent No. 7214364.

Attached is a "Statement Under 37 C.F.R. 3.73(b)," establishing the right of the assignee  
to take action in this case.

Date: 9-11-09

  
(Signature)

Frank Grassler  
Vice President Intellectual Property,  
Gilead Sciences, Inc.  
(Title of signatory if signing on behalf of an entity)

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Alan Bruce Montgomery

Application No./Patent No.: 7,214,364 Filed/Issue Date: May 8, 2007

Titled: INHALABLE AZTREONAM LYSINATE FORMULATION FOR TREATMENT AND PREVENTION OF PULMONARY BACTERIAL INFECTIONS

Gilead Sciences, Inc., a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
3. ☐ an assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made) the patent application/patent identified above by virtue of either:
- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Alan Bruce Montgomery To: Corus Pharma, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 014674, Frame 0290, or for which a copy thereof is attached.
2. From: Manfred Keller and Frank-Christophe Lintz To: Corus Pharma, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 015290, Frame 0229, or for which a copy thereof is attached.
3. From: Chiron Corporation To: Corus Pharma, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 017215, Frame 0190, or for which a copy thereof is attached.

- ☒ Additional documents in the chain of title are listed on a supplemental sheet(s).
- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.
- (NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Frank Grassler  
Signature

9-11-09  
Date

Frank Grassler  
Printed or Typed Name

Vice President Intellectual Property  
Gilead Sciences, Inc.  
Title

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated \_\_\_\_\_

Signature: \_\_\_\_\_ (Lorie Ann Morgan)

**STATEMENT UNDER 37 CFR 3.73(b) - Supplemental Sheet**

Continuation of chain of title from the inventor(s) to the current assignee.

4. From: Corus Pharma, Inc. To: Gilead Sciences, Inc.  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel 021719 , Frame 0001 , or for which a copy thereof is attached.
5. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_ , Frame \_\_\_\_\_ , or for which a copy thereof is attached.
6. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_ , Frame \_\_\_\_\_ , or for which a copy thereof is attached.
7. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_ , Frame \_\_\_\_\_ , or for which a copy thereof is attached.
8. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_ , Frame \_\_\_\_\_ , or for which a copy thereof is attached.
9. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_ , Frame \_\_\_\_\_ , or for which a copy thereof is attached.





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## Assignments on the Web &gt; Patent Query

## Patent Assignment Abstract of Title

**NOTE:** Results display only for issued patents and published applications.  
For pending or abandoned applications please consult USPTO staff.

## Total Assignments: 4

Patent #: 7214364

Issue Dt: 05/08/2007

Application #: 10613639

Filing Dt: 07/03/2003

Publication #: 20040062721

Pub Dt: 04/01/2004

Inventor: Alan Bruce Montgomery

Title: INHALABLE AZTREONAM LYSINATE FORMULATION FOR TREATMENT AND PREVENTION OF PULMONARY BACTERIAL INFECTIONS

## Assignment: 1

Reel/Frame: 014674/0290

Recorded: 11/10/2003

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: MONTGOMERY, ALAN BRUCE

Exec Dt: 07/03/2003

Assignee: CORUS PHARMA, INC.

2025 FIRST AVENUE, SUITE 800  
SEATTLE, WASHINGTON 98121

Correspondent: PETERS, VERNY, JONES &amp; SCHMITT LLP

HANA VERNY  
385 SHERMAN AVENUE, SUITE 6  
PALO ALTO, CA 94306

## Assignment: 2

Reel/Frame: 015290/0229

Recorded: 10/25/2004

Pages: 4

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: KELLER, MANFRED

Exec Dt: 09/14/2004

LINTZ, FRANK CHRISTOPHE

Exec Dt: 09/10/2004

Assignee: CORUS PHARMA, INC.

2025 FIRST AVENUE, SUITE 800  
SEATTLE, WASHINGTON 98121

Correspondent: PETERS, VERNY, JONES &amp; SCHMITT LLP

HANA VERNY  
425 SHERMAN AVENUE, SUITE 230  
PALO ALTO, CA 94306

## Assignment: 3

Reel/Frame: 017215/0190

Recorded: 09/06/2005

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: CHIRON CORPORATION, A DELAWARE CORPORATION

Exec Dt: 11/09/2004

Assignees: CORUS PHARMA, INC.

2025 1ST AVENUE  
SUITE 800  
SEATTLE, WASHINGTON 98121  
SALUS PHARMA, INC., C/O CORUS PHARMA, INC.  
2025 1ST AVENUE  
SUITE 800  
SEATTLE, WASHINGTON 98121  
MONTGOMERY, ALAN BRUCE C/O CORUS PHARMA, INC.

2025 1ST AVENUE  
SUITE 800  
SEATTLE, WASHINGTON 98121  
BAKER, WILLIAM C/O CORUS PHARMA, INC.  
2025 1ST AVENUE  
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**Correspondent:** RICHARD C. PEET  
FOLEY & LARDNER LLP  
WASHINGTON HARBOUR  
3000 K STREET, N.W., SUITE 500  
WASHINGTON, D.C. 20007-5143

**Assignment: 4****Reel/Frame:** 021719/0001**Recorded:** 10/22/2008**Pages:** 6**Conveyance:** MERGER (SEE DOCUMENT FOR DETAILS).**Assignor:** CORUS PHARMA, INC.**Exec Dt:** 12/22/2006**Assignee:** GILEAD SCIENCES, INC.

333 LAKESIDE DRIVE  
FOSTER CITY, CALIFORNIA 94404

**Correspondent:** PETERS VERNY, LLP  
425 SHERMAN AVENUE, SUITE 230  
PALO ALTO, CA 94306

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. Search Results as of: 09/11/2009 04:25 PM  
Web interface last modified: October 18, 2008 v.2.0.2

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Docket No.

3818.02-5

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled  
**INHALABLE AZTREONAM LYSINATE FORMULATION FOR TREATMENT AND PREVENTION OF PULMONARY BACTERIAL INFECTIONS**

the specification of which

(check one)

☒ is attached hereto.

☒ was filed on JULY 3, 2003 as United States Application No. or PCT International Application Number 10/613,639 and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>



POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

HANA VERNY (REG. NO. 30,518)

HOWARD M. PETERS (REG. NO. 29,202)

ALLSTON L. JONES (REG. NO. 27,906)

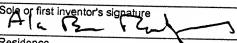
SUSAN M. SCHMITT (REG. NO. 34,427)

DAVID J. ASTON (REG. NO. 28,051)

PETERS, VERNY, JONES & SCHMITT LLP

Send Correspondence to: HANA VERNY  
PETERS, VERNY, JONES & SCHMITT LLP  
425 SHERMAN AVENUE, SUITE 230  
PALO ALTO, CA 94306

Direct Telephone Calls to: *(name and telephone number)*  
HANA VERNY (650)324-1677

Full name of sole or first inventor <b>ALAN BRUCE MONTGOMERY</b>	
Sole or first inventor's signature 	Date <b>Sept 14 2004</b>
Residence <b>3455 EVERGREEN PT. ROAD, MEDINA, WASHINGTON 98030</b>	
Citizenship <b>UNITED STATES</b>	
Post Office Address <b>SAME AS ABOVE</b>	

Full name of second inventor, if any <b>MANFRED KELLER</b>	
Second inventor's signature	Date
Residence <b>NEUNKIRCHNER STRASSE 60, 81379 MUNCHEN, GERMANY</b>	
Citizenship <b>GERMANY</b>	
Post Office Address <b>SAME AS ABOVE</b>	

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

HANA VERNY (REG. NO. 30,513)  
 HOWARD M. PETERS (REG. NO. 29,202)  
 ALLSTON L. JONES (REG. NO. 27,906)  
 SUSAN M. SCHMITT (REG. NO. 34,427)  
 DAVID J. ASTON (REG. NO. 28,051)  
 PETERS, VERNY, JONES & SCHMITT LLP

Send Correspondence to: HANA VERNY  
 PETERS, VERNY, JONES & SCHMITT LLP  
 425 SHERMAN AVENUE, SUITE 230  
 PALO ALTO, CA 94306

Direct Telephone Calls to: *(name and telephone number)*  
 HANA VERNY (650)324-1677

Full name of sole or first inventor <b>ALAN BRUCE MONTGOMERY</b>	
Sole or first inventor's signature	Date
Residence <b>3455 EVERGREEN PT. ROAD, MEDINA, WASHINGTON 98030</b>	
Citizenship <b>UNITED STATES</b>	
Post Office Address <b>SAME AS ABOVE</b>	

Full name of second inventor, if any <b>MANFRED KELLER</b>	
Second inventor's signature <i>Manfred Keller</i>	Date <i>Sept. 17, 2004</i>
Residence <b>NEUNKIRCHNER STRASSE 60, 81379 MUNCHEN, GERMANY</b>	
Citizenship <b>GERMANY</b>	
Post Office Address <b>SAME AS ABOVE</b>	

Full name of third inventor, if any	
FRANK-CHRISTOPHE LINTZ	
Third inventor's signature	Date
<i>[Signature]</i>	Sep. 10 <sup>th</sup> 2004
Residence	
WALDSPIEL PLATZ 5. 82319 STARNBERG. GERMANY	
Citizenship	
GERMANY	
Post Office Address	
SAME AS ABOVE	

Full name of fourth inventor, if any	
Fourth inventor's signature	
	Date
Residence	
Citizenship	
Post Office Address	

Full name of fifth inventor, if any	
Fifth inventor's signature	
	Date
Residence	
Citizenship	
Post Office Address	

Full name of sixth inventor, if any	
Sixth inventor's signature	
	Date
Residence	
Citizenship	
Post Office Address	